



September 9, 2020

Via ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED


U.S. v. John Brown, 18-Cr-744 (KPF)
Request to Adjourn Sentencing Hearing

Honorable Judge Failla:

I write with the consent of the Government to request an adjournment of Mr. Brown's sentencing hearing, currently scheduled for September 30, 2020 at 2:00 p.m. The reason for this request are: 1) that in light of the current global Coronavirus pandemic and the consequent BOP facility lockdowns, the undersigned since March, 2020 has been unable to personally meet with Mr. Brown to discuss and prepare him for his sentencing hearing (we have, of course had many legal calls); 2) although he would prefer an in-person, in-court appearance for his sentencing hearing, in light of the pandemic he is concerned for the safety of his health should an in-person hearing be held; 3) should an in-person hearing be held, due to the pandemic Mr. Brown will be forced by the BOP to quarantine for 14 days at the MDC where he is currently housed upon his return from any court appearance; and 4) in order to continue Mr. Brown's sentencing interviews and the gathering of documents so as to be able to prepare a comprehensive sentencing memorandum for the Court in advance of his sentencing hearing.

Accordingly we are requesting a date in the third week of December, 2020 (either December 15, 16, or 17) that is convenient for the Court. Alternatively (and preferably), we would request a date the second week of January 2021 in order to allow for the possibility of having in-person meetings with Mr. Brown at MDC and to have sufficient time to prepare for his sentencing hearing. The Government has no objection to this request.

I thank the Court in advance for its consideration of this matter.

Respectfully,

Judith Vargas, Esq.

Application GRANTED. Defendant's sentencing is hereby ADJOURNED to January 12, 2021, at 3:00 p.m. Defendant's sentencing submission is due on or before December 29, 2020, and the Government's sentencing submission is due on or before January 5, 2021. Defendant should not expect further adjournments to be granted based on the pandemic.

Dated: September 10, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE